

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C. A. NO. 04-30149-MAP

DANIEL BOURQUE, )  
Plaintiff )  
 )  
v. )  
 )  
THOMAS A. MOERLER, )  
Defendant )

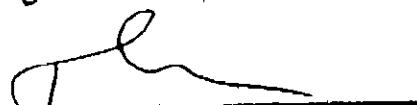
U.S. DISTRICT COURT  
DISTRICT OF MASS.

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

AFFIDAVIT OF THOMAS A. MOERLER

1. My name is Thomas A. Moerler.
2. I reside at 141 Spiral Road, Holtsville, New York 11742.
3. I am over the age of majority.
4. I am of sound mind and respectfully submit these facts which are based on my own personal knowledge.
5. At all material times, I have been and continue to be a citizen of the Sovereign State of New York.
6. I authorize my Attorneys to Appear herein only for the Special purpose of presenting this Motion to Dismiss.
7. I did not operate a motor vehicle in Maryland at any time relevant to this incident alleged in the Plaintiff's Complaint.
8. No one acting as my agent, servant or employee operated a motor vehicle in Massachusetts or Maryland at any time relevant to this incident alleged in the Plaintiff's Complaint.
9. I have not been served with civil process or pleadings in this action while in the Commonwealth of Massachusetts.
10. I have not appointed or authorized any agent of mine to accept service of process, in my behalf, in this or any other civil action against me.

11. I have not invoked the jurisdiction of any Court, Federal or State, in the District of Massachusetts.
12. I do not consent to be sued, participate in, or defend this action in the U. S. District Court for the District of Massachusetts.
13. I invoke my Constitutional rights to refuse to be subject to any Civil Action brought against me, by this Plaintiff, in this action or in any other action, in the Commonwealth of Massachusetts or any U. S. District Court therein.
14. For all material times, I have had none of the jurisdictional contacts which are specified in the Massachusetts "Long Arm Statute," M.G.L.A. c. 233A, § 3-4.



Thomas A. Moerler

Signed At: Holtsville, N.Y.

9 - 2 - 04  
Date:

STATE OF NEW YORK  
COUNTY OF SUFFOLK, ss

On this 2nd day of Sept, 2004, before me,  
STEVEN M. LUCAS, a Notary Public, duly commissioned and  
qualified for the State of New York, personally appeared Thomas A Moerler,  
who, being duly sworn, declared that the above Affidavit by him subscribed is  
true to the best of his knowledge and belief. He proved his identity by showing  
me his New York driver's license.

In testimony whereof, I have hereunto set my hand and affixed my seal of  
office the and year above written.

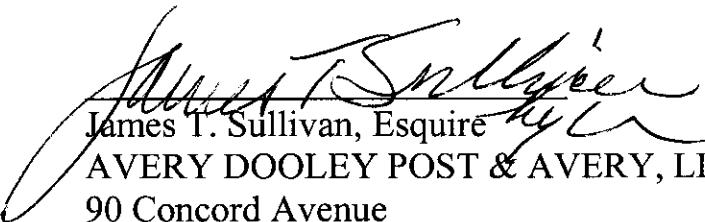
STEVEN M. LUCAS  
Notary Public, State of New York  
No. D1LU4822115  
Qualified in Suffolk County  
Commission Expires May 31, 2006

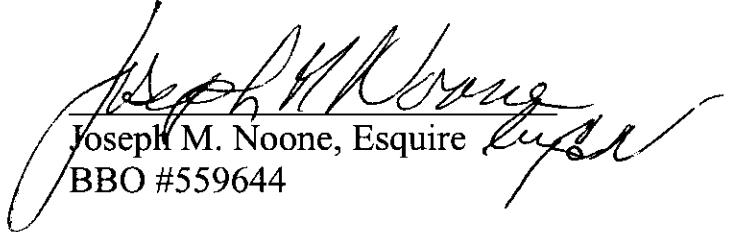
Steven M. Lucas  
Notary Public  
My Commission Expires: 5/31/06

CERTIFICATE OF SERVICE

I, James T. Sullivan, hereby certify that I have this 2nd day of September, 2004, forwarded a copy of the Affadavit to all counsel of record by mailing same postage prepaid to:

Henry M. Downey, Esquire  
1500 Main Street, Ste. 1410  
Springfield, MA 01115

  
James T. Sullivan, Esquire  
AVERY DOOLEY POST & AVERY, LLP  
90 Concord Avenue  
Belmont, MA 02478  
(617) 489-5300  
BBO #565700

  
Joseph M. Noone, Esquire  
BBO #559644

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